

NOV 21 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

MARK TODD SHOWALTER,
Plaintiff,

v.

DIRECTOR, VIRGINIA
DEPARTMENT OF CORRECTIONS,
et al.,
Defendants.

Civil Action No. 7:05-cv-00700

MEMORANDUM OPINION

By: Samuel G. Wilson
United States District Judge

Plaintiff Mark Todd Showalter, a Virginia prisoner proceeding pro se, brings this action for damages pursuant to 42 U.S.C. § 1983. This court has dismissed three previous actions filed by Showalter pursuant to 28 U.S.C. § 1915A(b)(1).¹ Therefore, Showalter may not proceed with this action unless he either pays the \$250.00 filing fee or shows that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

As Showalter has neither prepaid the filing fee nor demonstrated that he is “under imminent danger of serious physical injury,”² the court dismisses his complaint without prejudice and denies his motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g).³

The Clerk is directed to send a certified copy of this order to the plaintiff.

¹ See Showalter v. Mussleman, Civil Action No. 7:99cv00293 (W.D. Va. June 28, 1999); Showalter v. Commission, Civil Action No. 7:96cv00127 (W.D. Va. February 8, 1996); Showalter v. DOC Director, Civil Action No. 7:96cv00113 (W.D. Va. February 6, 1996).

² Further, Showalter’s current allegations are markedly similar to the ones he raised in Showalter v. Director, Virginia Department of Corrections, Civil Action No. 7:05cv 00651 (W.D. Va. November 2, 2005), which the court adjudicated and dismissed pursuant to 28 U.S.C. § 1915A(b)(1).

³ The court has previously notified Showalter that he may not file civil actions in this court unless he either pays the filing fee or demonstrates that he is under imminent danger of serious physical injury. Therefore, the court will not give Showalter additional time to pay the filing fee or amend his complaint.

ENTER: This 21st day of November, 2005.


UNITED STATES DISTRICT JUDGE